

HOUSE BILL No. 1697

DIGEST OF INTRODUCED BILL

Citations Affected: IC 13-11-2; IC 13-14-2-2; IC 13-19-3.

Synopsis: Environmental law issues. Requires an inspector from the department of environmental management or a designated agent of the department to provide written notice to a regulated entity 48 hours before making a routine inspection that may uncover more than one category of violations. Permits the use of Type III foundry sand in a land application operation or for soil amendments. Requires foundry sand to meet certain requirements to get and maintain Type III criteria status.

Effective: July 1, 1999.

Kruzan, Wolkins

January 26, 1999, read first time and referred to Committee on Environmental Affairs.

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First Regular Session 111th General Assembly (1999)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1998 General Assembly.

HOUSE BILL No. 1697

A BILL FOR AN ACT to amend the Indiana Code concerning environmental law.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 13-11-2-114.2 IS ADDED TO THE INDIANA
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 1999]: **Sec. 114.2. "Land application**
4 **operation"**, for purposes of IC 13-19-3, means an operation in
5 which sludge, waste products, or wastewater generated by
6 industrial, municipal, or semipublic facilities are disposed of by
7 application upon or incorporation into the soil. The term does not
8 include the operation of a landfill or an open dump.
9 SECTION 2. IC 13-11-2-116 IS AMENDED TO READ AS
10 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 116. (a) "Landfill", for
11 purposes of IC 13-20-2, means a solid waste disposal facility at which
12 solid waste is deposited on or beneath the surface of the ground as an
13 intended place of final location.
14 (b) "Landfill", for purposes of **IC 13-11-2-114.2** and IC 13-20-11,
15 means a facility operated under a permit issued under IC 13-15-3 or
16 IC 13-7-10 (before its repeal) at which solid waste is disposed of by
17 placement on or under the surface of the ground.



(c) "Landfill", for purposes of IC 13-11-2-82 and IC 13-21, means a solid waste management disposal facility at which solid waste is deposited on or in the ground as an intended place of final location. The term does not include the following:

(1) A site that is devoted solely to receiving one (1) or more of the following:

(A) Fill dirt.

(B) Vegetative matter subject to disposal as a result of:

(i) landscaping;

(ii) yard maintenance;

(iii) land clearing; or

(iv) any combination of activities referred to in this clause.

(2) A facility receiving waste that is regulated under the following:

(A) IC 13-22-1 through IC 13-22-8.

(B) IC 13-22-13 through IC 13-22-14.

SECTION 3. IC 13-14-2-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 2. **(a) Except as provided in subsection (b),** the department may have a designated agent, upon presentation of proper credentials, enter upon private or public property to inspect for and investigate possible violations of any of the following:

(1) Air pollution control laws.

(2) Water pollution control laws.

(3) Environmental management laws.

(4) IC 13-18-9.

(5) IC 13-18-10.

(6) IC 13-19-2.

(7) IC 13-19-3.

(8) Any rule adopted by one (1) of the boards.

(b) If the inspection:

(1) is a routine environmental compliance facility inspection; and

(2) may concern two (2) or more of the possible violations listed in subsection (a);

the department's inspectors or designated agents must provide written notice not less than forty-eight (48) hours before the inspection.

SECTION 4. IC 13-19-3-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 7. The department and the boards shall allow a person to use foundry sand that meets Type III criteria under **section 8 of this chapter and 329 IAC 10-9** for the



following activities in accordance with guidance without requiring the person to obtain any permits from the department:

(1) As a daily cover for litter and vermin control at a landfill in accordance with any applicable permits issued for the landfill.

(2) As a protective cover for a landfill leachate system in accordance with any applicable permits issued for the landfill.

(3) For use as capped embankments for ground and sight barriers under ten thousand (10,000) cubic yards or embankments for airports, bridges, or overpasses.

(4) **For use in:**

(A) **a land application operation; or**

(B) **as a soil amendment;**

if the application or amendment does not include the operation of a landfill.

(5) As a structural fill base capped by clay, asphalt, or concrete for the following:

(A) Roads.

(B) Road shoulders.

(C) Parking lots.

(D) Floor slabs.

(E) Utility trenches.

(F) Bridge abutments.

(G) Tanks and vaults.

(H) Construction or architectural fill.

(I) Other similar uses.

~~(5)~~ (6) As a raw material constituent incorporated into another product including the following:

(A) Flowable fill.

(B) Concrete.

(C) Asphalt.

(D) Brick.

(E) Block.

(F) Portland cement.

(G) Glass.

(H) Roofing materials.

(I) Rock wool.

(J) Plastics.

(K) Fiberglass.

(L) Mineral wool.

(M) Lightweight aggregate.

(N) Paint.

(O) Plaster.



(P) Other similar products.

SECTION 5. IC 13-19-3-8 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: **Sec. 8. (a) A person may use foundry sand for the purposes described in section 7 of this chapter, if the foundry sand meets Type III criteria.**

(b) Except as provided in subsections (c) and (d), foundry sand meets Type III criteria if the sand has passed at least one (1) toxicity characteristic leaching procedure test in accordance with "Test Methods for Evaluating Solid Wastes, Physical/Chemical Methods," SW 846, Third Edition (September 1986), Final Update 1 (July 1992), Final Update 2 (September 1994), Final Update 2A (April 1995), Final Update 2B (April 1995), and any subsequent update.

(c) To maintain Type III criteria status for more than five (5) years, the foundry sand must pass at least one (1) toxicity characteristic leaching procedure test, as described in subsection (b), every five (5) years.

(d) If the foundry process substantially changes, to maintain Type III criteria status:

(1) the foundry must notify the department about the change in its process; and

(2) the foundry sand must pass another toxicity characteristic leaching procedure test as described in subsection (b) after the change is implemented.

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